

## Coast Guard, DHS

## § 42.03–5

and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). The Coast Guard intends that this section comply with the requirements of 44 U.S.C. 3507(f) which requires that agencies display a current control number assigned by the Director of the OMB for each approved agency information collection requirement.

### (b) *Display.*

46 CFR part or section where identified or described	Current OMB control No.
Part 42 .....	1625–0013
Part 44 .....	1625–0013
Part 45 .....	1625–0013
Part 46 .....	1625–0013

[49 FR 38120, Sept. 27, 1984, as amended by USCG–2004–18884, 69 FR 58345, Sept. 30, 2004]

### § 42.01–10 Purpose of regulations.

(a) The load line marks when placed on a vessel shall indicate the maximum amidships draft to which such vessel can be lawfully submerged, in the various circumstances and seasons applicable to such vessel.

(b) This subchapter sets forth the uniform minimum requirements for load line marks on various categories of vessels. It also sets forth requirements for surveys relating to the assignment of load lines, the issuing of load line certificates by authorized issuing authorities, and the carriage of load line certificates aboard vessels.

(c) The rules and regulations in this subchapter also provide for the enforcement of load line requirements and control over vessels when it is believed such vessels may be in violation of applicable load line requirements.

[CGFR 68–60, 33 FR 10049, July 12, 1968, as amended by CGD 80–120, 47 FR 5721, Feb. 8, 1982]

## Subpart 42.03—Application

### § 42.03–5 U.S.-flag vessels subject to the requirements of this subchapter.

(a) *Vessels engaged in foreign voyages or international voyages other than solely Great Lakes voyages.* (1) All U.S. flag vessels which engage in foreign voyages or international voyages by sea (other than solely in Great Lakes voy-

ages) are subject to this part; except the following:

- (i) Ships of war;
- (ii) New vessels of less than 79 feet in length;
- (iii) Existing vessels of less than 150 gross tons;
- (iv) Pleasure yachts not engaged in trade; and
- (v) Fishing vessels.

(2) As provided in Article 4(4) of the 1966 Convention, in order for existing vessels to take advantage of any reduction in freeboards from those previously assigned, the regulations in Subparts 42.13 to 42.25, inclusive, of this part shall be fully complied with. Except for due cause, such vessels shall not be required to increase their freeboards under the provisions of the 1966 Convention.

(3) All U.S.-flag vessels authorized to engage in foreign or international voyages may also engage in domestic voyages by sea and, as permitted by § 45.9 of this part and Part 47 of this subchapter, in Great Lakes voyages without additional load line marks and/or certificates. Where additional load line marks and certificates are provided to specifically cover “Special Service, Coastwise” or “Great Lakes” operation, such vessels are subject to the applicable provisions of Parts 44 and 45 of this subchapter.

(b) *Vessels engaged in domestic voyages by sea.* (1) All U.S.-flag vessels which engage in domestic voyages by sea (coastwise and intercoastal voyages) shall be subject to the applicable provisions of this part except the following:

(i) Merchant vessels of less than 150 gross tons.

(ii) Vessels which are mechanically propelled and numbered by a State or the Coast Guard under the Federal Boat Safety Act of 1971 (46 U.S.C. 1451 *et seq.*) and not required by other laws to be inspected or certified by the U.S. Coast Guard. (This exception includes all mechanically propelled vessels of less than 150 gross tons, and uninspected motor propelled oceanographic vessels of less than 300 gross tons while operating pursuant to 46 U.S.C. 2113.

(iii) Pleasure craft not used or engaged in trade or commerce.

(iv) Barges of less than 150 gross tons.

(v) Vessels engaged exclusively in voyages on waters within the United States or its possessions and which are determined not to be “coastwise” or “Great Lakes” voyages.

(vi) Ships of war.

(vii) U.S. public vessels other than those vessels of 150 gross tons or over and engaged in commercial activities.

(2) In order for existing vessels to take advantage of any reduction in freeboards from those previously assigned, paragraph (a)(2) of this section applies.

(c) *Vessels engaged solely on Great Lakes voyages.* A U.S. flag vessel 79 feet and more and 150 gross tons or over that engages solely on Great Lakes voyages is subject to the applicable provisions of this part and Part 45 of this subchapter and must comply with the regulations in force on the date the keel is laid or a similar progress in construction is made.

(d) *Special service coastwise voyage.* A U.S. flag vessel 150 gross tons or over that engages in a “special service coastwise voyage” is subject to the applicable provisions of this part and Part 44 of this subchapter.

(e) *Hopper dredges engaged in limited service domestic voyages.* Self-propelled hopper dredges over 79 feet (24 meters) in length with working freeboards, on limited service domestic voyages within 20 nautical miles (37 kilometers) from the mouth of a harbor of safe refuge, are subject to the provisions of this subchapter that apply to a Type “B” vessel and to the provisions of Subpart E of Part 44 of this chapter.

[CGFR 68-60, 33 FR 10049, July 12, 1968, as amended by CGFR 68-126, 34 FR 9011, June 5, 1969; CGD 73-49R, 38 FR 12289, May 10, 1973; CGD 80-120, 47 FR 5721, Feb. 8, 1982; CGD 86-016, 51 FR 9962, Mar. 24, 1986; CDG 76-080, 54 FR 36976, Sept. 6, 1989; CGD 97-057, 62 FR 51043, Sept. 30, 1997]

**§ 42.03-10 Foreign vessels subject to this subchapter.**

(a) *General.* All existing foreign merchant vessels of 150 gross tons or over, and new foreign vessels of 79 feet in length or more, loading at or proceeding from any port or place within the jurisdiction of the United States or its possessions for a foreign voyage by sea, or arriving within the jurisdiction

of the United States or its possessions from a foreign voyage by sea, in both cases the Great Lakes excepted, are subject to 46 U.S.C. 5101-5116, and the regulations in this part applicable to such service. All foreign merchant vessels of 150 gross tons or over, loading at or proceeding from any port or place within the United States on the Great Lakes of North America, or arriving within the jurisdiction of the United States on the Great Lakes, are subject to 46 U.S.C. 5101-5116 and the regulations in part 45 of this subchapter applicable to such service.

(b) *Canadian vessels.* All vessels of Canadian registry and holding valid certificates issued pursuant to Canadian laws and regulations are assumed to be in compliance with the applicable provisions of 46 U.S.C. 5101-5116, the International Convention on Load Lines, 1966, and the regulations in this subchapter.

(c) *Vessels of countries signatory to or adhering to the 1966 Convention.* The enforcement and control of load line requirements regarding vessels of countries signatory to or adhering to The International Convention on Load Lines, 1966, (the 1966 Convention) are as described in § 42.07-60 in this part, which is in accord with provisions of Article 21 of the 1966 Convention. Such vessels when holding currently valid certificates issued pursuant to the 1966 Convention, or recognized under such Convention, are assumed to be in compliance with the applicable provisions of such Convention. Such vessels are deemed to be in compliance with the load line requirements found to be equally effective as those established in this part and therefore in compliance with the applicable load line provisions of 46 U.S.C. 5101-5116, as amended, and the regulations in this part as authorized by such laws. Vessels engaged in navigation on the Great Lakes are subject to application of seasonal international marks as specified in Part 45 of this subchapter.

(d) *Vessels of countries not signatory to or adhering to the 1966 Convention.* (1) Vessels of countries not signatory to or adhering to the 1966 Convention, when within the jurisdiction of the United States, shall be subject to 46 U.S.C.